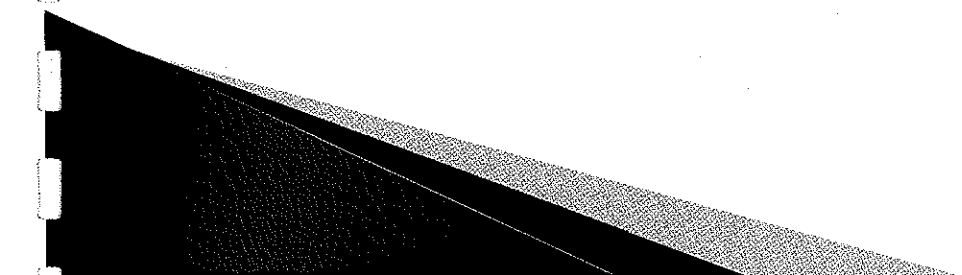
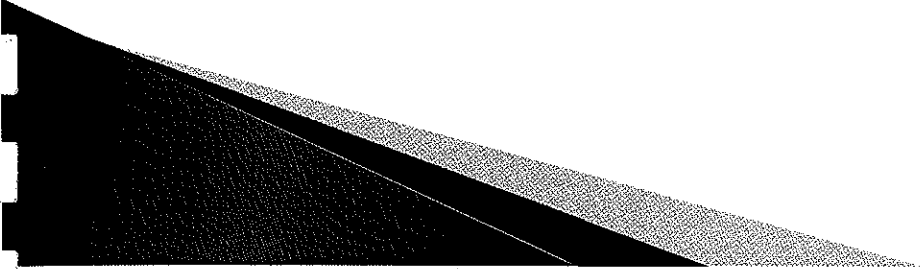


Section 5

Council Meetings



COUNCIL MEETING SCHEDULE

- ▶ **COUNCIL MEETINGS ARE HELD TWICE A MONTH ON THE 2ND AND 4TH THURSDAY**
 - ▶ **SUB COMMITTEE MEETINGS ARE HELD ON THE 1ST AND 3RD THURSDAY OF THE MONTH**
 - ▶ **THERE ARE 3 OR 4 TOWN MEETINGS HELD THROUGHOUT THE YEAR**
 - ▶ **THERE ARE 3 COUNCIL RETREATS HELD DURING THE YEAR**
 - ▶ **THERE ARE ALSO OTHER AGENCY BOARDS THAT REQUIRE COUNCIL REPRESENTATION SUCH AS - SNOHOMISH COUNTY TOMORROW, HEALTH BOARD, SNOHOMISH COUNTY POLICY ADVISORY BOARD, SNOHOMISH COUNTY CITIES AND TOWNS**
 - ▶ **TRAINING WORKSHOPS AND CONFERENCES ARE HELD THROUGHOUT THE YEAR**
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7

The Council Meeting

A city or town council meeting is the place to get the critical job of decision-making accomplished. A smoothly managed and productive council meeting does not necessarily guarantee good results, but it certainly helps.

In general, mayors should remember that the council meeting is just that—it's the council's meeting, not the mayor's meeting. The council sets its own rules and has ultimate control over the agenda. The mayor's role is to chair the meeting. As moderator, the mayor should facilitate the meeting while allowing full council participation, maintain order and decorum, and see that all motions are properly dealt with as they arise.

The Agenda

Perhaps one of the most crucial tools in providing for orderly meetings is a well-organized and well-prepared agenda. The agenda must be handled so that councilmembers are given adequate information, in advance, on items to be considered.

While it is not mandatory at a city council meeting, opportunity should be provided for appropriate public participation. State law requires each city to establish a procedure for notifying the public of the agenda for forthcoming council meetings. Items on the agenda should be prioritized and organized as efficiently as possible, allocating adequate time to *major* issues and minimizing time spent on trivial, non-controversial issues. Citizens should also be given the opportunity to address the council on other subjects of interest.

Who Determines the Agenda Content?

Although the council has ultimate control over the agenda, typically it's left to the mayor, city manager, or clerk to draw up the agenda, based upon council input. Some cities assign this task to an agenda committee or to one councilmember who assists the mayor or manager. The council can change its order of business or a councilmember can propose an additional new item of business.

**Remember —
It's the council's
meeting, not the
mayor's meeting.**

Additional Resources:

Robert's Rules of Order

The Standard Code of Parliamentary Procedures

Alice Stargis, 3rd edition

Council Rules of Procedure

It is up to every council to establish rules for the conduct of their meetings. Some councils adopt standard rules, such as Robert's Rules of Order or some other parliamentary procedure; others develop their own customized bylaws which govern how council meetings proceed. Local rules are valid as long as they don't infringe on constitutional rights or conflict with state law. (See Appendix 4 for Sample Council Procedures.)

Parliamentary Procedure

Parliamentary procedure is the set of rules or customs that regulate the procedure of deliberative assemblies. There is no need to be intimidated - a councilmember need not become a certified Parliamentarian to effectively use the basic rules of procedure. Observing parliamentary procedure makes council meetings more efficient and reduces the chances of council actions being declared illegal or challenged for procedural deficiencies. A city may adopt, by ordinance or resolution, a set of procedural rules or may employ standardized rules such as *Robert's Rules of Order*. (See Appendix 6 for a summary of parliamentary procedure.)

Streamlining Council Meetings

Even the best-planned council meetings can deteriorate into endurance contests. These are not always the most productive meetings-exhausted people don't always make the best decisions. Here are some tips on things you can do to "shorten meetings."

Regulating Talk

Too much talking is the most common cause of lengthy meetings. Many council procedures limit public comment to 3-5 minutes, and limit the number of speakers on any one topic. Another idea is to include an approximate starting time by each major agenda item. This information is also useful to citizens attending the meeting.

If the problem is created by a talkative councilmember, a simple statement by the mayor that "it's getting late and we must move along" usually will work, though a private conversation later on may be needed to handle chronic talkers.

Shortening the Agenda

An important consideration in making the agenda manageable is keeping things off of it that don't belong there. The formal council agenda is the place for formal *actions* on the part of the governing body. In general, every regular meeting agenda item should include an instrument for council action. Items that are solely for the information and advice of the council should be provided outside the formal agenda process.

Too many items on the agenda is a frequent cause of lengthy council meetings. Perhaps the agenda is loaded down with detailed items that are included for reasons of custom, rather than necessity, and many of these could be handled by staff without council action. If too much time is needed to explain the various agenda items, it may help if more complex ones are explained in writing in advance of the meeting.

"Consent" Agendas

The consent agenda is a tool used to streamline council meetings. Routine, non-controversial items are listed collectively on the agenda and are passed with a single motion and vote.

- In some cities, the actual items to be placed on each consent agenda are selected at a weekly city department heads' meeting. In others, an agenda committee chooses the consent items.
- Commonly, no debate is allowed on the consent agenda or on any item included in it. The motion for adoption must receive unanimous approval.
- Consent items may be read by title only.
- Any councilmember can have an item removed from the consent agenda for separate consideration. In addition, some cities allow any person attending the regular council meeting to request that an item be voted on independently. The remainder of the consent agenda can be voted on, omitting the challenged items.

Setting up a consent agenda system usually requires preliminary action by the council in the form of adopting an ordinance or resolution, but a consent agenda can be used by most councils on a trial basis.

Council Work Sessions

Informal work sessions of the council may be needed from time to time to study certain matters in detail. These are most often held in conjunction with budget review. Work sessions also are useful when major policy questions must be decided, or when a complicated ordinance, such as a building code, comes before the council.

Note: The Washington Open Public Meetings Act applies to all council meetings and work sessions, whether formal or informal. (See Appendix 1, Open Public Meetings Act.)

The Subcommittee*

Many elected bodies divide into subcommittees to study specific issues. Elected bodies may have both standing and ad hoc subcommittees. Subcommittees can either facilitate the decision-making process or consume unwarranted amounts of time and effort. Here are some pointers on the use of subcommittees:

1. **Clearly define** the mission before creating a subcommittee.
2. **Set deadlines** for reports.
3. **Monitor assignments** to check on progress.
4. **Establish expiration** provisions and enforce them.
5. **Rotate membership** periodically.
6. **Keep non-members informed** of meetings and actions.
7. **Monitor** the amount of staff effort required.
8. **Review** the list of subcommittees annually and delete those that are no longer necessary.

Meeting Diagnosis*

- | | |
|---|---|
| ✓ Meetings start on time. | ✓ Members do not engage in side conversations during the meeting. |
| ✓ Meetings end at a reasonable hour. | ✓ Members actively listen to each other. |
| ✓ The council sticks to the agenda. | ✓ Members do their homework. |
| ✓ The public is encouraged to participate. | ✓ Unnecessary meetings are not called. |
| ✓ The council does not attempt to engineer "how-to" details at the meeting. | ✓ Packed audiences do not unduly sway the council. |
| ✓ No one tends to dominate the discussion. | |
| ✓ All members participate. | |

*Source: *Elected Official's Little Handbook*, Len Wood.

Voting Guide

Quorum

The general rule governing the transaction of council business is that a majority of councilmembers must be present at the meeting to constitute a quorum. This means four members of a seven-member council and three members of a five-member council.

Abstentions

In the absence of a local statute to the contrary, councilmembers are free to abstain from voting on any issue before the council. Some cities have adopted local rules of procedure allowing abstentions only when the councilmember states his or her reason for abstaining. Other cities require councilmembers to vote on all matters before the council unless a conflict of interest exists. When a conflict of interest exists, a councilmember should refrain from voting. Generally, however, other councilmembers cannot restrain a councilmember from voting due to a conflict of interest or for any other reason.

The effect of an abstention on a vote is not specified by state law. Municipalities are free to adopt local rules of procedure stating the effect of an abstention. See Appendix 2, Sample City Council Rules of Procedure (Rule 5.4) for an example of a rule which provides that failure to vote when there is no valid disqualification is counted as an affirmative vote on the question. If a city does not have a rule, abstentions by one or more councilmembers may make it impossible for final action to be taken on a matter, particularly where a majority vote of the full council is needed.

Voting by Proxy

It is a fundamental rule of parliamentary law that the right to vote is limited to those members actually present at the time a vote is taken at a legal meeting. State law is silent as to proxy voting by councilmembers. As a general rule, proxy votes are not permitted. If the city or town has not adopted a rule of procedure to the contrary, councilmembers must be present at the time the vote is taken. There is no Washington court case law on this issue. Participation by speaker phone is a possible alternative; discuss this issue with your city attorney.

Mayor's Authority to Vote

Charter Cities

In *charter* cities, each city charter governs the voting powers of the mayor.

Mayor-Council Form

Under the *mayor-council* form of government, the mayor may vote only in case of a tie vote of the council. However, statutes for each class of city may further limit the mayor's tie-breaking authority, as follows:

- ❑ **Second Class Cities.** Because at least four councilmember votes are required for the passage of any ordinance, resolution, or order (RCW 35.23.211), the mayor cannot break a tie vote on those matters.
- ❑ **Towns.** At least three councilmembers must vote for passage of any resolution or order for the payment of money (RCW 35.27.270) or for the passage of an ordinance or resolution granting a franchise (RCW 35.27.330). Thus, the mayor's vote cannot be used to break a tie vote on these issues.
- ❑ **Code Cities.** A majority of the entire membership of the council is required to vote for passage of any ordinance, grant, revocation of franchise or license, or any resolution for the payment of money (RCW 35A.12.120). Therefore, the mayor may not break a tie vote on these matters.

Council-Manager Form

In all cities operating under the *council-manager* form of government, the mayor is eligible to vote in his or her capacity as councilmember.

Mayor's Veto Power

- ❑ **In Charter Cities,** each city charter governs the veto powers of the mayor.
- ❑ **Council-Manager Cities.** The mayor votes as a councilmember and has no veto power.
- ❑ **Second Class Mayor-Council Cities.** The mayor may veto an ordinance, but the mayor's veto can be overruled by five members of the council (RCW 35.23.211).
- ❑ **Towns.** The mayor has no veto power.
- ❑ **Mayor-Council Code Cities.** The mayor may veto an ordinance, but the mayor's veto can be overruled by a majority plus one of the entire council membership (RCW 35A.12.100).

Questions & Answers

Q. Can a meeting of the City Council be opened with a prayer?

A. Courts have ruled that beginning a local government public meeting with a nondenominational prayer, or a silent meditation of a short duration, does not violate the U.S. Constitution. Keep in mind, however, that many residents have strong feelings about their own particular religious beliefs, and some residents adamantly feel that religion and government should not be mixed. The decision concerning whether meetings are to be opened with an invocation should be made by the council, not by the mayor. Most cities in Washington have chosen to not commence their meetings with an invocation.

Q. Can the mayor unilaterally adjourn a council meeting?

A. No, not in normal circumstances. The mayor can request that a councilmember move that the meeting be adjourned, but the motion and subsequent vote are up to the council. If there is a disruption during a council meeting which requires a break in the meeting to restore order, it would be appropriate for the mayor to announce that the meeting is adjourned for ten minutes, but other than such circumstances, it is up to the council whether they wish to continue dealing with business.

Q. Who, if anyone, can make a motion for reconsideration where a matter was defeated by a tie vote?

A. Under Robert's Rules, §36, anyone who was on the prevailing side of a vote can make a motion to reconsider, and the prevailing side need not be a majority, such as when a tie vote functions to defeat a matter. In that case, those who voted no would be entitled to make the motion to reconsider.

Q. May a councilmember who was absent when a vote was taken move to reconsider that vote?

A. No. An absent member could not have been on the prevailing side, or any side, for that matter.

Q. If the council passes an ordinance at one meeting, can that ordinance be reconsidered at the subsequent meeting?

A. If the ordinance was passed and signed by the mayor, then the ordinance can subsequently be amended or repealed, but not reconsidered.

Practical Advice

Helpful pointers from other elected officials.

Meeting Survival Tips ...

- Laugh together**, share dreams, and tell stories on yourself. Bring donuts.
- Be careful with executive sessions.** Only use executive sessions for issues that are specifically allowed.
- Bring some humor to the council meetings.** Keep your cool!
- Insist upon decorum in the council meetings.** Be courteous to members of the public; let them know you appreciate their comments.
- Don't spring surprises on fellow councilmembers or city staff**, especially at public meetings. If a matter is worth discussing, it is worth putting on the agenda. Surprises may get you publicity, but they may embarrass others and tend to erode the "team" approach to governance.
- Have your city attorney attend your council meetings**, but don't expect the attorney to know all the answers right on the spot. Give the attorney time to research issues